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GIFFORD, KRASS, GROH, SPRINKLE & CITKOWSKI, P.C			STONE, JENNIFER A	
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2636

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Please find below and/or attached an Office communication concerning this application or proceeding.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/027,094
Filing Date: December 20, 2001
Appellant(s): BEN-ARIE, ODED

MAILED
SEP 20 2005
GROUP 2800

Allen M. Krass
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 08-09-05

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(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

No amendment after final has been filed.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The Appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

The rejection of claims 1-3 stand or fall together because Appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

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(9) Prior Art of Record

5,281,957	Schoolman	1-1994
4,028,725	Lewis	6-1977
4,753,514	Kubik	6-1988

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schoolman in view of Kubik and Lewis.

For claim 1, Schoolman discloses a system for providing a pilot with an electronic flight instrument data output port with a display of primary flight instruments (col 6, lns 59-65; col 7, lns 4-8 and 56-65) that can be viewed while the pilot's eyes are focused at infinity, or, the unlimited extent of an individual's line-of-sight, such as through the aircraft windshield (col 5, lns 59-68). A computer is connected to the data output port and output channels (col 6, lns 58-60; col 7, lns 4-8 Fig. 10, items 71, 81, 82, 93, 94, 25, and 26). The display panel is hinge-mounted on a pair of eyeglasses in order to receive the output of a computer (col 4, lns 68; col 5 lns 1-2 and 30; Fig. 3). Furthermore, Schoolman discloses the computer being operative to process the information from the

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electronic flight instrument data outlet port onto a display, focused at infinity (col 5, Ins 54-68). This information will be displayed directly to the pilot on the eyeglass head mounted display (col 6, Ins 40-45; col 7, Ins 53-63).

Schoolman does not specifically mention that the computer processes all of the principal flight instruments in order to produce a single display. Lewis, however, shows an entire cockpit instrument panel, displayed on a helmet, directly in front of a pilot's eyes (col 8, Ins 17-19; Fig. 9B). Even though Lewis does not use the exact terminology [Electronic Flight Instrument System (EFIS) and EFIS port] of the Appellant, it is well known in the art that the EFIS is a common component of the cockpit instrument panel. In addition, Lewis discloses a data output port between the instrument panel and the helmet (Fig 8A – connection point between the camera 84 and the CRT's 26, 28; col 8, Ins 11-16; col 9, Ins 7-13). Figure 8B provides a further illustration of the data output port. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to include the entire cockpit instrument display panel onto a single display viewed by a pilot such as on a pair of eyeglasses. Moreover the motivation to combine the entire instrument display panel onto a single display panel will enhance the safety of the pilot and the passengers by the pilot being able to view all the instrument parameters at a single glance and, as Lewis points out, to conserve space in the cockpit area (col 9, Ins 24-30).

Even though Schoolman discloses the display panel being hinge-mounted on a pair of eyeglasses, it is not clear whether the hinge-mounted device serves the same purpose as the clip-on device. It is apparent that the display screen,

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disclosed by Kubik, is clip-mounted to the frame of a pair of eyeglasses (col 3, Ins 1-6; Fig. 1, items 18 and 19). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to include a clip-on device in lieu of the hinge-mounted device so that the eyeglass user could choose between attaching or detaching the displayed image. This option would benefit a user that requires prescription glasses; for the user would have the option of detaching the displayed image and wearing the glasses for an indefinite amount of time.

For claim 2, as applied to claim 1 above, Lewis shows the display being in the form of a primary flight display (Fig 9B). It would have been obvious to include the exact form of the primary flight display on the display of the eyeglasses so that the pilot has the most realistic and familiar perspective of the instrument orientation of the cockpit, displayed on the pair of eyeglasses. If the pilot has the most familiar perspective of the cockpit instrument arrangement, right before their eyes, they can quickly respond to potential problems, thereby enhancing the safety of the plane while in flight.

For claim 3, as applied to claim 1 above, Schoolman discloses a liquid crystal display mounted within the eyeglasses (col 3, Ins 1-6).

(11) Response to Argument

On page 3 of the Brief, Appellant states that something in the prior art must suggest the combination, other than hindsight gained. The combination of prior art references meets every limitation in the claims. See "Grounds of Rejection" above.

On page 4 of the Brief, Appellant states that the prior art does not disclose an EFIS head-up display and EFIS port on the instrument panel of an aircraft. However, on page 3 of the specification, line 17, the Appellant admits that an EFIS display is extremely well known in the art and is a standard feature of a cockpit instrument panel that complies with existing technology. Even though Lewis does not use the exact terminology [Electronic Flight Instrument System (EFIS) and EFIS port] as that of the Appellant, it is well known in the art that the EFIS is a common component of the cockpit instrument panel. Lewis, however, discloses an entire cockpit instrument panel, displayed on a helmet, directly in front of a pilot's eyes (col 8, lns 17-19; Fig. 9B). Therefore, the limitation of the EFIS display is satisfied by the combination of the references, particularly Lewis. The data port is an inherent feature located somewhere on the instrument panel to facilitate data communicated from the instrument panel to the pilot's eyepiece.

Both Lewis and Schoolman disclose data output ports between an instrument panel and a pilot's eyepiece. By definition, (obtained from Newton's Telecom Dictionary -The Authoritative Resource for Telecommunications, Networking, the Internet and Information Technology; 18th Updated and Expanded Edition; Copyright 2002; Publisher-CMP Books; Author-Harry Newton) a port is a physical interface between a device and a circuit in either digital or analog form, and electrical or optical in nature. Therefore, the prior art of both Lewis and Schoolman satisfy the limitation of the data output port. Again, even though Lewis does not use the exact terminology (EFIS port), it is well known in the art that the EFIS is a common component of the cockpit instrument panel.

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Moreover, the Appellant does not distinguish between an EFIS port and a data output port other than the EFIS port is used for maintenance purposes (Brief - page 4, line 2). The claims do not set forth the limitation of the EFIS port used for maintenance purposes. Even if a feature of an EFIS port is maintenance related, it is obvious that Lewis discloses this limitation since a pilot can check the status of the instrument panel during non-flight conditions such as turning each instrument on and off while maintaining a connection between the instrument panel and the pilot's eye piece.


For the above reasons, it is believed that the rejections should be sustained.


Respectfully submitted,

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September 7, 2005

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